



Mary Lazich

Wisconsin State Senator
Senate District 28

Franklin Sexually Violent Person Facility Testimony

March 22, 2005

Good evening, members of the Sexually Violent Persons Transitional Facility Siting Advisory Committee and concerned residents. I am here tonight to offer my testimony opposing the construction of a transitional facility for sexually violent persons in Franklin.

While serving as a member of the **Task Force** chaired by Janine Geske that Milwaukee County Circuit Court Judge Kuhnmuensch created to address the placement of Billy Lee Morford, we reviewed three Supreme Court cases and established criteria for locating sex offender housing. There is one U.S. Supreme Court ruling, and two Wisconsin Supreme Court rulings finding the law to detain the sexually violent persons upon completion of their prison sentences to be constitutional. The reason the courts found the law constitutional and allows the state to detain sexually violent persons is because of the treatment that must be provided. The U. S. case of Kansas V. Hendricks



reads in part . . . state has a statutory obligation to provide care and treatment for persons adjudged sexually dangerous The Wisconsin Supreme Court case State v. Carpenter reads in part . . . primarily intended to protect the public and to provide concentrated treatment to convicted sexually violent persons The Wisconsin Supreme Court case State v. Post reads in part that . . . we recognize the state's compelling interest in protecting society by preventing future acts of sexual violence through commitment and treatment These Supreme Court cases make very clear that treatment is the reason that laws to detain sexually violent persons are constitutional. Franklin does not have treatment facilities.

In addition to reviewing the Supreme Court cases, the Geske task force established a list of criteria for locating housing. One of the criteria was that the housing be remote to residences. The proposed site is not remote to residences.

The proposed site in Franklin fails the Supreme Courts' direction and fails the criteria used by the Morford task force to locate housing for Billy Lee Morford. Rather than being close to treatment and remote to residences, the site is remote from treatment and close to residences. According to the Franklin School District, twenty-four percent of all the school children in the Franklin schools live within a mile and a half of the proposed facility. The proposed facility is within walking distance of seven residential subdivisions, the Milwaukee County Sports Complex, and the Croation Federation Park.

Three day care centers are within 8000 feet of the proposed facility, and Forest Park Middle School is within a one mile.

Franklin is simply not a suitable location for a facility to house sexually violent persons. The primary goal must be to protect society, especially children from sexually violent persons, and to provide treatment. The recent, tragic kidnap, sexual assault, and murder of nine-year-old Jessica Lunsford on Florida's Gulf Coast is an object lesson for us as we choose housing sites for sexually violent persons. The self-confessed killer and registered sex offender John Couey was reportedly living in a mobile home near the victim's neighborhood at the time of the abduction. Couey was not subject to Florida's civil commitment law, so the state did not keep him close to treatment and remote from residences. We *do* have options for the sexually violent persons that would stay at the proposed facility. Franklin does not have treatment facilities for sexually violent persons and the Franklin site is not remote to residences. We must not put Franklin's children at risk by locating this facility at the proposed site.

STATE SENATOR ALBERTA DARLING

Sexually Violent Persons Transitional Facility Siting Advisory Committee Public Hearing March 22, 2005

Dear Members of the Committee:

I appreciate the fact that yours was a difficult task. Indeed, the creation of the committee was prompted by years of inability to find a suitable site for this facility.

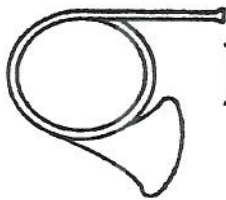
However, it is my opinion that the committee cannot in good faith recommend the remaining sites as its final product, knowing the conflicts these sites have with regard to ownership, residential proximity, and other criteria specified in 2003 Act 187.

When this committee was formed, it was the Legislature's expectation that potential sites would not conflict with public safety. The criteria that this committee was asked to take into consideration reflected that intent. Among these criteria were community safety and proximity to any residential subdivision or facility for children. The committee's own adoption of a mere 1,000-foot radius falls far short of what I consider to reasonably protect the community.

With regard to the County Line Road property, this site fails to meet the criteria in so many ways that I find it absurd it is even being considered. The most obvious problems are brought by this location's proximity to residential homes with school-age children, and recreational amenities. Also, there is a lack of nearby resources to meet these offenders' vocational and treatment needs. As for the land itself, not only is there some question as to whether it can be built upon, but Milwaukee County Executive Walker has strongly stated his unwillingness to offer it for sale.

There is no binding requirement for the committee to submit its list by April. As such, this committee should either extend its timeline for a few months in order to accept and consider additional recommendations, or dissolve without submitting proposals for the siting of this facility.

Submitting these impractical and unfeasible recommendations may bring closure to your task, but will only needlessly prolong the anxieties of the residents of these communities. Please remove these sites from consideration.



Huntington Park

HOMEOWNERS

ASSOCIATION

P.O. BOX 452 • MEQUON, WI 53092

March 14, 2005

Dear Chairman Stan Stojkovic,

We, the Huntington Park Homeowners Association Board of Directors, are writing to express our strong opposition to the proposed site for sex offender housing at 10401 County Line Road. This proposed location would create a serious safety issue for the children of Mequon, not to mention the social and economic ramifications for all of the residents in this community, including the residents of Huntington Park subdivision. This an inappropriate location for sex offenders for a number of reasons, not the least of which is the number of children who currently live in Huntington Park which has an entrance directly across the street from the proposed site. This proposed site creates a serious safety concern for the residents of Huntington Park and the city of Mequon!

Huntington Park does not have sidewalks or streetlights in the area, making safety, particularly in the evening, a serious concern. The area surrounding Huntington Park is mostly farmland, limiting the ability to protect the community residents and children. Huntington Park includes many acres along County Line which are heavily wooded and contain our bike path and jogging trail in extremely close proximity to the site. In addition, Lemke Park is located on the border of Huntington and was intended to provide a safe community playground for the children of Mequon. This playground is located within walking distance of the proposed site on County Line Road and would allow easy access to the children using the park. Also, there is nearby land, (within a mile) recently acquired by the City of Mequon to serve as a Nature Preserve. This is another recreational venue for the Mequon residents situated just east of Huntington Park. Safety for more than 340 children living in this area (within a square mile of the proposed site) is of utmost concern to our 240 households!

Finally, the criteria used to select the proposed sites does not support the inclusion of the County Line Road location. This site does not meet the criteria for selection used by the Committee selecting the sites, including a lack of nearby public transportation and the limited availability of jobs within walking distance. We understand the need to provide a suitable location for these transitioning residents, however, the proposed site at 10401 County is not an appropriate location for housing sex offenders.

In concert with many Huntington Park residents and those of surrounding communities, we are working to mobilize our opposition to the proposed site. We will take whatever steps necessary to ensure that our voices are heard regarding this matter. The Board of Directors of Huntington Park is available to attend meetings or work on any committees needed to assure this site is permanently removed from consideration. We would appreciate your support in opposing the County Line location for sex offender housing.

Respectfully,
Huntington Park Homeowners Association

Janet Pachmayer, President
jpachmayer@wi.rr.com

Carol Hain, Secretary
Cdhain@aol.com



BIELINSKI
homes

WISCONSIN'S
NUMBER ONE
HOME BUILDER

March 15, 2005

Dean Stan Stojkovic
School of Social Welfare
University of Wisconsin – Milwaukee
Enderis Hall
Room 1099
PO Box 786
Milwaukee, Wisconsin 53201

Re: Sex Offender Group Home Placement

Dear Dean Stojkovic:

I am writing to you as the Chairman of the sex offender group home location committee on behalf of Bielinski Homes, Inc. ("Bielinski"), an owner of a residential subdivision located in the near vicinity of the proposed sex offender group home site at 10401 West County Line Road, Milwaukee, Wisconsin ("County Line Road Site"). Bielinski strongly opposes the location of a sex offender group home at the County Line Road Site location for many reasons which include the following:

1. The County Line Road Site is near Bielinski's Prairie Glen Subdivision in Germantown, Wisconsin. Prairie Glen is a 31-lot single family subdivision located off of Wasaukee Road – just minutes from the County Line Road Site. It is envisioned that Prairie Glen will be home to many families with children and we do not wish any families or children within Prairie Glen to be faced with the potential problems of having a sex offender just minutes away.
2. The County Line Road Site is near Huntington Park Subdivision in Mequon, Wisconsin. It is my understanding that Huntington Park is a 240 home subdivision with over 300 children and is even closer to the County Line Road Site. Our concerns for the families and children of Prairie Glen also extend to the families and children of Huntington Park.
3. The County Line Road Site is near various parks and the John C. Cudahy YMCA, places that attract many families with children. Parents have enough


worries about their children's well-being and they should not have to be confronted with sex offenders being placed on their proverbial "back door."

4. There is no public transportation, no job opportunities or treatment facilities located near the County Line Road Site. The County Line Road Site is located within a rural area of Milwaukee, Ozaukee and Washington Counties without the proper facilities to assist the sex offenders in their attempted rehabilitation.

Bielinski strongly urges you and your committee to look long and hard at the proposed locations and recommend locations that are not so closely tied to communities with large numbers of families and children residing close by. Based upon the pure number of children that could come in contact with a sex offender at the group home, the County Line Road Site should be removed from your list and not be presented to the Departments of Correction and Health and Family Services.

Please feel free to contact me at 262-574-4053 with any questions or comments regarding this matter.

Sincerely,



Timothy J. Voeller
General Counsel

cc: State Senator Alberta Darling (via fax 608-267-0588)
State Representative Suzanne Jeskewitz (via fax 608-282-3624)
Milwaukee County Executive Scott Walker (via fax 414-223-1375)
Village Board, Village of Germantown (via fax 262-253-8255)
Frank Bielinski
Harry Bielinski
Joe Harvey
Paul Bielinski

CITIZENS FOR A SAFE FRANKLIN

June 20, 2005
3926 Maplecrest Dr.
Franklin, WI 53132

The Honorable Mary Lazich
State of Wisconsin Senate
Room 18 South
State Capitol
P.O. Box 7882
Madison, WI 53707-7882

The Honorable Jeffrey Stone
State of Wisconsin Assembly
Room 304 East
State Capitol
P.O. Box 8953
Madison, WI 53708

Dear Madam and Sir:

Citizens for a Safe Franklin, a community-based organization representing thousands of residents in Franklin, Wisconsin who are opposed to the building of an unsecured transitional facility for sexually violent predators, hereby requests the Wisconsin Legislature to: (1) immediately repeal 2003 Wisconsin Act 187, Sec. 7m; (2) amend Chapter 980 to require, among other things, that all sexually violent predators not incarcerated or civilly committed be monitored using global positioning system ("GPS") devices for life; and (3) enhance the Wisconsin Sex Offender Registry. These sweeping changes will result in Wisconsin leading the nation to protect its children from becoming a sex predator recidivism statistic.

1. An unsecured facility to house 60 sexually violent predators over the next five years in Milwaukee County is dangerous and an inappropriate use of taxpayer dollars.

As you are well aware, 2003 Wisconsin Act 187 Sec. 7m ("Sec. 7m") was enacted by the Wisconsin Legislature solely in response to the State's inability to find suitable, transitional housing for sexually violent predators in densely populated Milwaukee County. Under Sec. 7m, the Legislature commissioned a blue-ribbon committee to recommend at least three possible locations where such a facility could be built in Milwaukee County. This committee was unable to carry out its statutory mandate despite the committee having the unilateral authority to create the rules by which it would determine which sites satisfied the broad statutory considerations listed in Sec. 7m. As a

result, Milwaukee County (and the State of Wisconsin) is no closer to a meaningful resolution on how to address the Wisconsin Supreme Court's decision requiring that certain civilly-committed predators be released.

Though perceived initially as a viable solution to the supreme court's mandate, public testimony during the siting committee's public hearings underscores that the population density of Milwaukee County simply does not lend itself to a facility of this kind. Moreover, this unsecured facility is intended only as temporary housing for some of Wisconsin's worst sex offenders. Within just months of their arrival, these predators will be released into the community at-large with only rudimentary monitoring procedures. Citizens for a Safe Franklin does not believe this facility is a prudent use of the \$1.3 million taxpayer dollars presently allocated to its construction. It simply serves as a "quick-fix" to satisfy the supreme court's mandate not to commit double jeopardy, not to protect Wisconsin families in any regard.

Recidivism and real estate statistics suggest, however, that this "quick-fix" will have devastating human and financial consequences for the city that will forever be forced to wear the badge of having the "Sex Predator Fraternity" as its neighbor. The benefits of this facility simply do not outweigh the detriment to an entire community. Nor do the benefits of this facility outweigh the detriments to ANY Wisconsin resident, because the monitoring of these incurable predators is ad-hoc after they walk out the front door - - whether just for the day or permanently after several months.

2. Wisconsin trails other states in implementing a state-wide Global Positioning System ("GPS") to monitor the real-time whereabouts of sexually violent predators.

Presently, 30 states have instituted global positioning systems to monitor criminals, including sex predators. Massachusetts, which adopted a pilot global positioning system in 2004 for its Level 3 sex offenders, alerts probation officers when a predator violates conditions of his release by entering an "exclusion zone," such as a school, playground, or the home of a prior victim. Using the cellular technology, the system records and sends a record of the exact date, time, and location of the violation via text message or e-mail to the officer handling the case. The parole officer is able to locate the predator within 10 yards.

Some GPS systems also provide for two-way communications, and most enable law enforcement to review a predator's movement history to determine presence at a crime scene. In turn, GPS provides a benefit to sexually violent predators by enabling them to prove that they were not in a location in violation of the terms of their release.

According to reports, the cost of the Massachusetts system is a mere \$10 per person per day. That \$10 represents approximately 1/5 of the cost to house one of these individuals. Most importantly, studies have shown that GPS monitoring makes a tremendous difference in recidivism rates. One state - - Tennessee - - reported that the recidivism rate

of released sex predators plummeted to 3% since GPS was instituted. In Florida, offenders released from prison without GPS monitoring re-offend about 33% of the time compared with 1.5% of those tracked by GPS (and none of the sex offenders who re-offended did so with respect to sex-related crimes). And, when a GPS-monitored sex predator in Florida cut his bracelet, authorities were able to apprehend him within an hour.

Finally, it is worth noting that some counties in Wisconsin, such as Manitowoc and Rock Counties, already utilize a global positioning system. Milwaukee County, the state's largest county from where most sex predators come, does not.

Citizens for a Safe Franklin has been in contact with GPS providers, and is happy to provide you with the information it has learned to date:

3. Even with GPS, sexually violent predators are incurable and remain a serious danger to society. Therefore, the public is entitled to know not only which sexually violent predators have been released, but other information concerning the circumstances of their release.

Federal law requires that each state maintain a sex offender registry. However, when Citizens for a Safe Franklin compared Wisconsin's Sex Offender Registry with those of other states, it simply didn't measure up. For example, the Illinois Sex Offender Registry requires:

1. A notation in red identifying which sex offenders are classified as "sex predators";
2. A clear, large photograph of the sex offender, along with a physical description;
3. Name, house address, city, zip code, and compliance status;
4. A statement regarding whether the sex offender is on parole or in the House of Corrections; and
5. Nature of the crime leading to the classification as a sex predator, along with the number of convictions.

Enhancing Wisconsin's Sex Offender Registry will go a long way to improve public notification of who in their community may present a danger. However, Citizens for a Safe Franklin believes that the public is entitled to even more information concerning the release of sexually violent predators from their civil commitment or incarceration.

Specifically, the Wisconsin Sex Offender Registry should be enhanced to include the date, time, and location of all hearings involving a petition to release a sexually violent predator from civil commitment. In addition, the Registry should reflect other publicly available information such as the name and court of the judge who authorizes a sex predators' release from civil commitment. Finally, the Registry should identify all of the conditions of the sex predators' supervised release, so that those in regular contact with the sex predator can inform law enforcement if those conditions are being violated.

NOW, THEREFORE, Citizens for a Safe Franklin, hereby respectfully requests the following:

A. Sexually Violent Predator Transitional Facility for Milwaukee County

- Repeal of 2003 Wisconsin Act 187, Sec. 7m in its entirety.

B. Release of Sexually Violent Predators from Civil Commitment

- Amend Wisconsin Statute Chapter 980 to:

1. Require that, in the case of a County of the First Class, a sexually violent predator approved for release must be returned to the city, town, or village in which he/she resided at the time of his/her arrest or, in the alternative, to a county that has agreed with the County of the First Class to accept sexually violent predators.
2. Require that the sexually violent predator filing a petition for release under Chapter 980.08 (5) must include in his/her petition a statement informing the court of a suggested placement location that satisfies the placement criteria set forth in the statute (see item 3 below). The suitability of the suggested placement location must be independently verified by the Department of Corrections prior to the court's development of a supervised release plan.
3. Clarify that the court, in determining a Chapter 980.08 (5) placement for a person classified as a sexually violent predator, may not consider a location that is within 3,000 feet of a school, playground, daycare, children's shelter, school bus stop, or place where children congregate.
4. Clarify that the court may authorize placement in a state other than Wisconsin if authorized and coordinated with that state and provided that the state requires global positioning system device monitoring of its sexually violent predators.
5. Permit specified payments in lieu of taxes for each placement of a sexually violent predator within a community and provide increased funding for counties, municipalities, and neighboring property owners for accepting these sexually violent predators.
6. Require that all persons classified as a sexually violent predator, in addition to other requirements imposed by the court in its supervised release plan, be subject to a two-phased transition plan.

Phase 1 of this plan must require that the sexually violent predator be permitted to leave his/her home only for the purpose of finding employment and/or going to work, attending a house of worship, or caring for basic living needs, such as buying groceries; that the sexually violent predator must be accompanied by a State of Wisconsin Department of Corrections officer when leaving his/her home; and that at all times the sexually violent predator must wear a global positioning system device to inform his/her probation officer when the person has entered an "exclusion zone." Phase 1 of the transition plan must be in place for a minimum of one year, and may be extended at the discretion of the court based on evidence provided by the State of Wisconsin Department of Corrections officer assigned to accompany the sexually violent predator.

Phase 2 of this plan must require the sexually violent predator to wear a global positioning device to inform his/her probation officer when the predator has entered an "exclusion zone" for more than 30 seconds to indicate that the predator may not simply be in transit and, therefore, may require immediate attention. The predator is required to wear the global positioning device for life.

An "exclusion zone" is any radius within 300 feet of a school, daycare, playground, children's shelter, school bus stop, or place where children congregate, and any other location determined by a court to be a danger to a child or potential victim, including his/her victim's(s') residence. These zones shall be coordinated by the Department of Corrections using the State of Wisconsin's data and notifications from the public through a registry on a the Wisconsin Sex Offender website (subject to verification).

- Reallocate the \$1,295,500 in 2001 Wisconsin Act 16 Sec. 9107 (a) (transitional half-way house) for the implementation of the two-phased plan for sexually violent predator transitions, and allocate additional funds as necessary, including to provide financial incentives for counties and other states to accept Wisconsin's sexually violent predators.

C. Sex Offender Registry Website

- Enhance Wisconsin's Sex Offender Registry to include:
 1. A notation in red identifying which sex offenders are classified as "sexually violent predators";
 2. A clear, large photograph of the sex offender, along with a physical description;
 3. Name, house address, city, zip code, and compliance status;

4. A statement regarding whether the sex offender is on parole or in a House of Corrections and/or on work release;
5. Nature of the crime leading to the classification as a sexually violent predator, along with the number of sex-related convictions;
6. The date, time, and location of all hearings involving a petition to release a sexually violent predator from civil commitment;
7. The name and court of the judge who authorizes a sexually violent predator's release from civil commitment; and
8. All conditions of all sex offenders'/sexually violent predators' supervised release (excluding the names of victims with whom they are to avoid contact).

Ultimately, the Wisconsin Legislature must strengthen the penal code to classify certain sex offenders as sexually violent predators at the time of sentencing (not at the time of release), and to prevent them from being released from prison in the first place.

However, with the possible release of the dozens upon dozens of sexually violent predators currently at Sand Ridge Treatment Center, it is abundantly obvious that the Legislature needs a responsible solution to the impending crisis. Building a temporary, unsecured transition house in densely populated Milwaukee County is short-sited, ineffective, and an unfair burden for taxpayers who should not have to become landlords for sexually violent predators who are not behind bars. A proven, viable alternative already utilized by other states, like meaningful monitoring and comprehensive public notification, is necessary.

To the extent that there must be a balance between the constitutional rights of sexually violent predators and the law-abiding citizens of Wisconsin, let's strike the fairest balance we can under the circumstances. Protection of its citizens is one of the primary functions of every branch of State government. We are counting on you.

If you wish to meet with representatives from Citizens for a Safe Franklin to discuss this request, please contact Sandy Maher-Johnson at 414-529-1142 (smaherjohnson@wi.rr.com) or me at 414-761-0663 (Hanneman@wi.rr.com).

Respectfully,

Shari Hanneman, President
Citizens for a Safe Franklin

cc: Hon. James Doyle, Governor, State of Wisconsin
Hon. Shirley Abrahamson, Chief Justice, Wisconsin Supreme Court
Hon. Peggy Lautenschlager, Attorney General, State of Wisconsin

Sen. Tim Carpenter
Sen. Spencer Coggs
Sen. Alberta Darling
Sen. Jeffrey Plale
Sen. Tom Reynolds
Sen. Lena Taylor

Rep. Pedro A. Colon
Rep. David Cullen
Rep. Jason Fields
Rep. Curt Gielow
Rep. Tamara Grigsby
Rep. Mark Gundrum
Rep. Mark Honadel
Rep. Frederick Kessler
Rep. Peggy Krusick
Rep. Jon Richards
Rep. Christine Sinicki
Rep. Tony Staskunas
Rep. Barbara Toles
Rep. Leah Vukmir
Rep. Sheldon Wasserman
Rep. Annette Williams
Rep. Leon Young
Rep. Josh Zepnick

Hon. Scott Walker, Milwaukee County Executive
Hon. Michael P. Sullivan, Chief Justice, Milwaukee County
Hon. Kitty Brennan, Incoming Chief Justice, Milwaukee County
Dr. Stan Stojkovic, Chairperson, Site Selection Committee
Mr. Doug Milsap, Department of Corrections



11333 N. Cedarburg Road 60W
Mequon, Wisconsin 53092
Phone (262) 242-3100
FAX (262) 242-9655

March 15, 2005

Dean Stan Stojkovic, Chair
Members
Sexually Violent Persons Transitional
Facility Siting Advisory Committee
P.O. Box 786
Milwaukee, Wisconsin 53201

Dear Chair Stojkovic and Members of the Committee:

We write in opposition to the selection of 10401 W. County Line Road as a potential site for a sexually violent persons transitional facility. This location is an unsuitable and inappropriate site and should be rejected. City of Milwaukee and Milwaukee County elected representatives agree and have so indicated to your committee under separate cover.

Your committee is required by state law to consider specific factors that, at the outset, disqualify the County Line Road location. Specifically, the site is unsafe, cannot be secured, is not near treatment facilities, is in close proximity to facilities designed for children and is near two large subdivisions.

The following is a summary of additional reasons to reject this site followed by a more detailed analysis:

1. The County Line Road location is not for sale.
2. The County Line Road location is not near public transportation or employment opportunities for residents.
3. Due to its proximity to the Little Menomonee River, construction of a facility at the County Line Road location either may be prohibited under applicable law or would be cost prohibitive due to the additional costs of providing a stable foundation and ensuring that the facility is not flooded.
4. Construction of the County Line Road location would harm other critical development efforts in the immediate area.

I. FACTORS TO BE CONSIDERED UNDER STATE LAW.¹

A. The County Line Road Location Would Pose Unique Community Safety Concerns. The first factor the Committee is required to consider is "community safety." The statute does not limit that concern to 1000 feet.

1. The County Line Road location is immediately adjacent to one of Mequon's largest subdivisions, Huntington Park, with approximately 250 homes. Homes in Huntington Park are a 3 minute, 40 second walk from the proposed location. The census block in which Huntington Park is located has, according to the 2000 census, 315 children.

2. The County Line Road location is located just north of a City of Milwaukee development with over 570 condominium units and, according to the 2000 census, is located in a census tract with over 2000 children.

3. Other child, family and social service facilities within one mile include:

Huntington Park Woods and Nature Trail
Lemke Park, Mequon
Donges Bay Road Pedestrian and Bike Path
(to be constructed in 2005)
John C. Cudahy YMCA
Granville Elementary School, Milwaukee Public Schools
(215 children)
Milwaukee County Joseph Lichter Park
Milwaukee County Kohl Park
Wisconsin Lutheran Living Center

Other sensitive child, family and social service facilities in the immediate area include:

Mequon Nature Preserve
Mequon's Trinity Creek Pond and Recreation Facility
Alexian Village
Spirit Life Church
Risen Savior Evangelical Lutheran Church
Day Care Services of Milwaukee, Inc. Daycare

Because the County Line Road location is in a rural area, distances that might be applicable in an urban environment are not applicable. When an area is rural there are fewer impediments to travel, fewer people who see what you are doing and shorter walking times to places. A distance in an urban area that might seem far (a mile) is only a few minutes walk in a rural area).

See attached Exhibit II (GIS Map of the surrounding area).

4. Over the past few years, the State of Wisconsin, local government, area residents and others have spent a great deal of money to make this particular area more pedestrian and child friendly:

Over \$380,000 for a pedestrian and bike path
\$657,375 for a city park
Over \$1.2 million for an environmental and fishing area
Over \$5.5 million for a major nature preserve.

5. Several other residences are located in the immediate vicinity of the County Line Road location.

6. The County Line Road location is surrounded by significant wooded and natural areas, including a 100 acre woods with nature trails directly to the north. Security for this area would be impossible.

7. The closest police stations in the affected jurisdictions are:

Milwaukee District 4 Station
6929 West Silver Spring Drive (6.58 miles away)
Mequon Police Department
11300 North Buntrock Avenue (4.77 miles away).

No other police or corrections facilities are in the area. Each of the other proposed facilities has closer police or corrections facilities (one is slightly more than two miles from a police station, another is by a prison and the third is very near a probation office).

8. There are no streetlights in the area of the County Line Road location.

B. The County Line Road Location Would Be Difficult or Impossible to Secure. The third factor the Committee is required to consider is "ability to make the facility secure." The Committee, in the factors enumerated on its announcement, does not mention that factor.

The County Line Road location, as noted above, is not located anywhere near a police station or any correctional facility. Further, due to its remoteness, the large woods and nature preserves nearby, and the lack of street lights, it would be very difficult to secure. An escaped offender would have large expanses in which to hide, and due to the environment, would be difficult to find.

C. The County Line Road Location is Nowhere Near Treatment Facilities. The fourth factor the Committee is required to consider is "accessibility for treatment." The Committee, in the factors enumerated on its announcement, does not mention that factor.

The County Line Road location is perhaps the farthest of the proposed location from treatment facilities. In fact, few places in Milwaukee County could be farther from treatment facilities.

D. The County Line Road Location is Near Numerous Facilities for Children. One part of the seventh factor the Committee is required to consider is the "proximity of the placement to ... facilities for children." Again, that is not limited to 1000 feet.

The County Line Road location has, as mentioned above, numerous facilities for children in its immediate vicinity. There are numerous parks and recreational facilities. Further, there is a grade school and at least two daycare facilities within one mile.

One facility, the John C. Cudahy YMCA, deserves particular note. According to the Milwaukee Journal Sentinel (May 30, 2003)(emphasis added):

More than 3,000 kids live nearby and about a third of the families in the area earn less than \$24,000 annually. The John C. Cudahy YMCA provides, first and foremost, a safe place for kids to come and play and just be....

Some kids come after school; some come to the child care center. Last year, 90% of families with kids in the child care center were at or below poverty level.

Some of the programs do have price tags, but families and kids that can't afford to pay are never turned away.

E. The County Line Road Location is Directly Across the Street from a Large Subdivision and Just North of a Large Milwaukee Development. One part of the seventh factor the Committee is required to consider is "proximity of the placement to ... any residential subdivision." Again, that is not limited to 1000 feet.

The County Line Road location is less than 1000 feet from Huntington Park subdivision. It is just across the street. Although the closest home is slightly more than 1000 feet away, the subdivision includes its amenities, and in this case includes woodlands in which children play and families go for walks. It includes a nature trail and a bike trail. Besides, the closest home is only a 3 minute, 40 second walk from the proposed location.

Additionally, the County Line Road location is located just north of a City of Milwaukee development with over 570 condominium units and, according to the 2000 census, is located in a census tract with over 2000 children.

II. NOT FOR SALE.

The County Line Road location is owned by Milwaukee County. County Executive Scott Walker has made it extremely clear that this location is not for sale. It makes no sense to pursue or consider a location that cannot be used for its intended purpose. It is also zoned single family residential.

See attached Exhibit III (Letter from County Executive Walker; memorandum from Milwaukee County).

III. NO PUBLIC TRANSPORTATION, JOBS OR BUS LINES.

Although state law does not mandate that the facility be near public transportation or jobs, it makes no sense to locate such a facility in a place without public transportation or jobs. The County Line Road location has neither. If the facility is transitional, the residents need both. Also, there are no sidewalks in the area. The walk to a bus line is well over a mile.

IV. WETLANDS.


For much of the year, the County Line Road location is under water due to its proximity to the Little Menomonee River. Today, it is inhabited by ducks. The site must be field-staked by the Department of Natural Resources to delineate the wetland boundaries prior to any consideration. Additionally, the Committee must consult zoning maps to determine if the site is located in the floodplain and, therefore, whether it is buildable. Further, the Committee should take into consideration the increased cost of construction on such a wet site.

V. CRITICAL DEVELOPMENT EFFORTS.

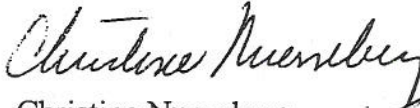
For years, the northwest side of Milwaukee has been working to redevelop. Since the closing of Northridge Shopping Center that has been particularly difficult. The on-going redevelopment of the area as Granville Station, including the redevelopment of the former Northridge site, is critical for northwest Milwaukee and the economic health of the area. This facility is the wrong thing at the wrong time for this critical redevelopment.

We appreciate the difficulty of the task of locating these facilities but trust you will agree with our assertions that this site is inappropriate on several levels and will strike this location from the Committee's consideration.

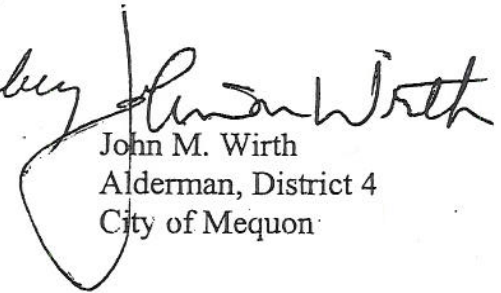
Very truly yours,



Curt Gielow
State Representative
23rd District



Christine Nuernberg
Mayor
City of Mequon



John M. Wirth
Alderman, District 4
City of Mequon

cc: Governor James Doyle
State Senator Alberta Darling
County Executive Scott Walker, Milwaukee County
Supervisor Joseph A. Rice, Milwaukee County
Mayor Thomas Barrett, City of Milwaukee
Alderman Robert W. Puente, City of Milwaukee
Mequon Common Council

EXHIBIT I

2003 Wisconsin Act 187(7m)(f)

Section 7m of 2003 Wisconsin Act 187 provides:

(f) The committee shall hold public hearings in Milwaukee County regarding the selection of a location of the facility. The committee shall consider all of the following factors when determining the criteria for the location of the facility or when determining specific locations for the facility:

1. Community safety.
2. Proximity to sensitive locations.
3. Ability to make the facility secure.
4. Accessibility to treatment for the persons living in the facility.
5. Payments that may be made in lieu of property taxes.
6. Availability of tax incentives to a community to locate the facility within its jurisdiction.
7. Proximity of the placement to all of the following:
 - a. The residence of other persons on supervised release.
 - b. The residence of persons who are in the custody of the department of corrections and regarding whom a sex offender notification bulletin has been issued to law enforcement agencies under section 301.46 (2m) (a) or (am) of the statutes.
 - c. Any facility for children of which the committee is aware.
 - d. Any residential subdivision.

See also Civil Commitment of Sexually Violent Persons, Wisconsin Legislative Fiscal Bureau, January 2005, pp. 11-12.

RESOLUTION NO. 04-85

RESOLUTION OPPOSING THE LOCATION OF A
RESIDENTIAL FACILITY FOR SEXUALLY VIOLENT PERSONS AT
10401 WEST COUNTY LINE ROAD, MILWAUKEE, WISCONSIN

WHEREAS, the Sexually Violent Persons Transitional Facility Siting Advisory Committee (the Committee), acting under the authority of 2003 Wisconsin Act 187, has been charged to identify locations for housing sexually violent persons in Milwaukee County; and

WHEREAS, the Committee is to identify locations to house sexually violent persons which are defined by statute as persons who are dangerous because they suffer from a mental disorder that makes it likely that the persons will engage in acts of sexual violence; and

WHEREAS, the Committee is to consider a number of factors when determining specific locations to house sexually violent persons including, but not limited to the following, community safety; proximity to sensitive locations; accessibility to treatment; and proximity to any residential subdivision and any facility for children; and

WHEREAS the Committee has identified 10401 West County Line Road, abutting Ozaukee County and the City of Mequon, as one of four locations to establish a facility for sexually violent persons; and

WHEREAS the County Line Road location is across the street from two census blocks where in Ozaukee County over 300 children reside and a subdivision in Milwaukee County with over 570 residences; near other sensitive locations such as public parks and preserves including Milwaukee County Kohl Park, Milwaukee County Joseph Lichter Park, City of Mequon Nature Preserve and City of Mequon Lemke Park where children will engage in numerous recreational and education activities; and near the John C. Cudahy YMCA, the Granville Elementary School and a daycare in Milwaukee County; and

WHEREAS, the County Line Road location is a remote location that does not afford easy access to treatment facilities or for supervision; and

WHEREAS, Ozaukee County believes that many aspects of the 10401 West County Line Road location are contrary to the factors outlined in 2003 Wisconsin Act 187 that should be considered in selecting a site; and

WHEREAS, Ozaukee County declares the 10401 West County Line Road location for housing Sexually Violent Offenders to be one that will endanger the safety of children and families who are either living in close proximity or will be engaging in educational and recreational activities in nearby public land, and that the location will neither provide ready access for sexually violent persons to treatment facilities nor be amenable for supervision;

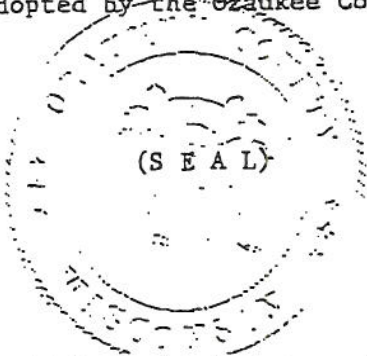
NOW, THEREFORE, BE IT RESOLVED, by/that the Ozaukee County Board of Supervisors, Ozaukee County demands that the Sexually Violent Person Transitional Facility Siting Advisory Committee declare that the 10401 West County Line Road site, abutting Ozaukee County, does not satisfactorily address the factors to be considered set out in 2003 Wisconsin Act 187 and that the Committee remove the site from any further consideration.

Dated at Port Washington, Wisconsin, this 16th day of March, 2005.

s/ Kathlyn M. Callen Kathlyn M. Callen Supervisor, District 22	s/ Stan T. Kulfan Stan T. Kulfan Supervisor, District 23	s/ Theodore C. Egelhoff Theodore C. Egelhoff Supervisor, District 24
s/ Cindy G. Bock Cindy G. Bock Supervisor, District 26	s/ Mark A. Cronce Mark A. Cronce Supervisor, District 27	s/ Robert T. Walerstein Robert T. Walerstein Supervisor, District 28
s/ Warren R. Stumpe Warren R. Stumpe Supervisor, District 29	s/ Katherine L. Smith Katherine L. Smith Supervisor, District 30	s/ Wanda J. Davies Wanda J. Davies Supervisor, District 31

TO WHOM IT MAY CONCERN:

I, Mary S. Marchese, County Clerk for Ozaukee County, Wisconsin, hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Ozaukee County Board of Supervisors.



Mary S. Marchese

Mary S. Marchese
County Clerk